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8-28-01  
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Robert J. White  
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Counsel for Plaintiff

ORIGINAL

to court

**In the United States District Court for the Middle District of Pennsylvania**

<b>Michael A. Shaffer,</b>	}	<b>Civil Action No. 01-CV-1065</b>
<b>Plaintiff,</b>	}	
	}	<b>(Judge Rambo)</b>
<b>v.</b>	}	
	}	
<b>Susan Graybill, et al.,</b>	}	
<b>Defendants.</b>	}	

**FILED  
HARRISBURG**

**AUG 27 2001**

**MARY E. D'ANDREA, CLERK**  
Per                       
**DEPUTY CLERK**

**Motion to File Partial Substitute Brief**

**In Response to Defendants MMPI and Emmett's Motion to Dismiss**

Comes now Plaintiff and moves the court to permit him to file a Partial Substitute Brief in response to Defendants MMPI and Emmett's Motion to Dismiss to substitute a new Paragraph 15 for Paragraph 15 of Plaintiff's Memorandum of Law in Opposition to Defendant's MMPI and Emmett's Motion to Dismiss which was filed on July 10, 2001. The Substitute Brief cites controlling Third Circuit precedence on the issue raised by said Defendants in their Motion to Dismiss that the who, what, when and where of the fraud alleged by Plaintiff have not been specified with particularity.

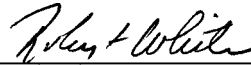
Respectfully Submitted,

*Robert J. White*

Robert J. White  
Counsel for Plaintiff

**Certificate of Service**

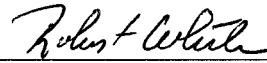
The undersigned certifies that he has served a copy of this Motion on Harris J. Chernow, counsel for the MMPI Defendants, at Buchanan Ingersoll, Eleven Penn Center, 14<sup>th</sup> Floor, 1835 Market Street, Philadelphia, PA 19103 and Charles Rees Brown, counsel for the Graybill Defendants, at Nicholas and Foreman, 4409 N. Front Street, Harrisburg, PA 17110 by first class mail on this 23<sup>rd</sup> day of August, 2001.



Robert J. White

**Certificate of Conference**

The undersigned certifies that he conferred with Harris J. Chernow, counsel for the MMPI Defendants, concerning this Motion and that he is opposed to the Motion.



Robert J. White